

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

IN RE:

JOHNNY E BARNES
PO BOX 523
SAN AUGUSTINE, TX 75972
xxx-xx-0866

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* Case No. 19-90163
* Chapter 13
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Debtor

ORDER OF DISMISSAL FOR INFEASIBILITY

On this day came for consideration the Trustee's Motion to Dismiss filed in the above captioned Chapter 13 proceeding. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure. After hearing all opposition to the Motion, if any, and upon consideration of the grounds set forth in the Trustee's Motion, the Court determines that the Chapter 13 Plan as confirmed is infeasible for the reason(s) as set forth in the Motion to Dismiss, and, if applicable, by failing to make plan payments to the Trustee in accordance with the Plan confirmed by this Court in September, 2019 as required by 11 U.S.C. § 1326(a)(1). The Court finds that this constitutes grounds for the dismissal of this case pursuant to 11 U.S.C. § 1307(c), (c)(1), and/or (c)(6) and that such dismissal is in the best interests of the creditors.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Chapter 13 proceeding is hereby DISMISSED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all Income Withholding Orders previously entered in this case, if any there so be, are hereby ORDERED terminated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to 11 U.S.C. § 349(b)(3), any funds remaining on deposit with the Chapter 13 Trustee shall be refunded to the Debtor. *Viegelahn v Lopez (In re Lopez)*, 2018 WL 3626628 at *5-6 (5th Cir. July 31, 2018).